



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD] .No.829 of 2017

P.Veeramalai

: Appellant/Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed by this Court, dated 03.09.2015 in W.P. (MD)No.15949 of 2015.

Prayer in WP(MD). 15949/ 2015 :

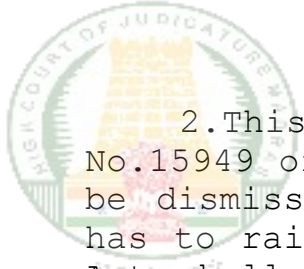
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 and 2 to refer the petitioner to the Medical Board of any Government hospital to ascertain his physical fitness to work as driver and to provide him suitable alternative employment with pay protection, continuity of service and other attendant benefits in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Appellant : Mr.A.Rahul

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Rahul, the learned counsel appearing for the
appellant.
<https://hcservices.ecourts.gov.in/hcservices/>



2.This appeal is directed against the order passed in W.P(MD) No.15949 of 2015, dated 03.09.2015. The said writ petition came to be dismissed by the Writ Court on the ground that the appellant has to raise a dispute under the provisions of Industrial Dispute Act challenging his non-employment. The question was whether the appellant is entitled to protection of under Section 47(1) of Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 for being provided with alternative employment with pay protection, continuity of service and all other attendant benefits. It appears that after dismissal of the writ petition, the respondents Corporation referred petitioner to the Medical Board and the board certified that appellant was suffering from 65% disability. Subsequently, the appellant has been given alternate employment on 29.04.2017.

3.In the light of the subsequent development, no further clarification is required to adjudicate the correctness of the interim order and it would suffice to clarify that any observation made by the writ Court will not in any manner affect the rights of the writ petitioner.

4.With the above observation, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.

+1cc to Mr.A.Rahul, Advocate Sr.No.62444
AM/LS

VB/JC/SAR4/06.07.2017/2P/4C